

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:17cr126

DARYL G. BANK

Defendant.

MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE

COMES NOW the, Defendant, Daryl G. Bank, by Counsel, and hereby moves this honorable Court, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, for entry of an order requiring the government to disclose to the Defendant, and to permit the inspection and copying of all evidence and information known to the government that may be favorable or exculpatory on the issues of guilt or punishment. Mr. Bank further requests that the Court order the government to furnish any such materials as soon as practicable. In support of his motion, Mr. Bank states as follows:

1. On November 15, 2017, an agreed discovery order was entered in this case (Doc. No. 30);

2. That agreed order requires the government to promptly comply with its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963) and *United*

States v. Agurs, 427 U.S. 97 (1976), to produce to Mr. Bank all exculpatory materials (Doc. 30 at 4);

3. Such material includes, but is not limited to, any statement of any person who has been interviewed by the government as well as any grand jury testimony that is exculpatory to Mr. Bank;

4. If such statements or testimony exists, it is imperative that they be promptly turned over to the defense along with all other exculpatory evidence in the government's possession, custody, or control, or which may become known to the government through the exercise of due diligence; and

5. Furthermore, it is necessary that such materials be turned over as soon as possible so that Mr. Bank may locate, interview, and subpoena any necessary witnesses as well as to incorporate such information into the preparation of his defense and trial strategy.

WHEREFORE, for the reason set forth above, the Defendant, Daryl G. Bank, by counsel, prays that this Court grant his motion.

Respectfully submitted,

/s/

James O. Broccoletti, Esquire
Attorney for the Defendant
VSB: 17869
ZOBY, BROCCOLETTI & NORMILE P.C.
6663 Stoney Point South
Norfolk, VA 23502

Telephone: (757) 466-0750
Fax: (757) 466-5026
james@zobybroccoletti.com

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Elizabeth M. Yusi, Esquire
Assistant U. S. Attorney
Office of the U. S. Attorney
World Trade Center, Suite 8000
101 W. Main Street
Norfolk, VA 23510
Elizabeth.yusi@usdoj.gov

Melissa E. O'Boyle, Esquire
Assistant U. S. Attorney
Office of the U. S. Attorney
World Trade Center, Suite 8000
101 W. Main Street
Norfolk, VA 23510
Melissa.oboyle@usdoj.gov

/s/
James O. Broccoletti, Esquire
VSB # 17869
ZOBY, BROCCOLETTI & NORMILE P.C.
6663 Stoney Point South
Norfolk, VA 23502
(757) 466-0750
(757) 466-5026
james@zobybroccoletti.com